

Permitting & Assistance Branch Staff Report
Solid Waste Facilities Permit Revision for Monterey Peninsula Landfill
SWIS No. 27-AA-0010
September 13, 2011

Background Information, Analysis, and Findings:

This report was developed in response to the Monterey County Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed solid waste facilities permit revision to the Monterey Peninsula Landfill, SWIS No. 27-AA-0010, located in Monterey County, owned and operated by the Monterey Regional Waste Management District. A copy of the proposed permit is attached. The report contains the Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was originally received by CalRecycle on August 8, 2011. An updated version of the proposed permit was received by CalRecycle on August 22, 2011. If no action is taken by October 21, 2011, the Department will be deemed to have concurred with the issuance of the proposed revised permit.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (2005 SWFP)	Proposed Permit
Permitted Area	Total: 466 acres	Total: 461 acres (MRWMD sold five acres to the Monterey County Water Resources Agency for a dam project on the Salinas River)
Permitted Maximum Tonnage:	3500 Tons per day	3500 Tons per day (See condition 17g)
Legal Description of Facility	14201 Del Monte Blvd, Marina, CA (Sections 16, 17, 20 & 21 of Township 14S, Range 2E, MDBM)	The legal description of this facility is contained in page 2 of the Report of Disposal Site Information dated December 2010.
The following documents describe and/or restrict the operation of this facility:	Report of Disposal Site Information (RDSI) 7/05 Preliminary Closure/Post-Closure maintenance Plan (PC/PCMP) 5/04	RDSI and amendments 12/10 PC/PCMP 12/10 Addendum to MND 5/11 (SCH#1997031065)
Enforcement Agency (EA) Conditions	No changes to existing conditions	17g. The maximum permitted daily tonnage for the facility is <u>3500</u> tons per day and shall not receive more than this amount without a revision of this permit. Note: The site may exceed 3500 Tons Per Day (TPD) a maximum of 8 days in one calendar year. To exceed the 3500 TPD limit: 1) The operator must contact the LEA 24 hours prior to the exceedance 2) the facility must not exceed 21,000 tons for the week (Mon-Sat) in which the exceedance

		occurred 3) a new maximum of 4500 TPD will be in place on any day that 3500 TPD is exceeded.
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Findings:

Staff recommends concurrence with the issuance of the proposed revised Solid Waste Facilities Permit. All of the required submittals and other findings required by Title 27, Section 21685 have been provided and made. Staff has determined that California Environmental Quality Act requirements have been met to support concurrence. The findings are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained in the facility files maintained by the Permits and Certification Division.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA certified complete and correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated August 3, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review on July 29, 2010 and provided a copy to the Department on July 29, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The proposed solid waste facilities permit was received by CalRecycle on August 22, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on August 8, 2011 provided a finding that the facility is consistent with PRC 50001 and CalRecycle staff in the Jurisdiction and Product Compliance Unit found the facility is identified in the Countywide Siting Element as described in their memo dated August 30, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure/Post Closure Maintenance Plans consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit found the updated Preliminary Closure/Post Closure Maintenance Plans to be consistent with State Minimum Standards as described in their memo dated July 27, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b) (7) (A) Financial Assurances Documentation compliance	Permitting & Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances Documentation in compliance as described in their memo dated August 17, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b) (7) (B) Operating Liability compliance	The Permitting & Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memo dated August 17, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum	Waste Evaluation and Enforcement Branch (WEEB) staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
Standards	and design requirements during the inspection conducted on September 7, 2011. See compliance history below for details.	
21685(b)(9) LEA CEQA finding	The LEA provided an initial finding in their permit submittal package received on August 8, 2011 that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and or Meeting, Comments	The required Public Notice was posted by the LEA at the subject Facility and at the County of Monterey Department of Environmental Health office. A Public Informational meeting for the proposed project was held by the LEA on July 19, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA determination to support responsible agency's findings	The Department is a responsible agency under CEQA with respect to this project, a proposed revised solid waste facilities permit. Permits staff has determined that the CEQA record can be used to support the Division Chief's action on the proposed revised permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The facility was inspected by WEEB staff in the Inspections and Enforcement Agency Compliance Unit on September 7, 2011 and no violations or areas of concern were noted.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years.

In 2006 the LEA noted one violation of Title 27 Section 20820; Drainage and Erosion Control. In 2008 there were two violations of PRC 44004(b), Significant Change. In 2010 the LEA noted one violation for Title 27 Section 20921, Gas Monitoring and Control. There have been no violations noted through June of 2011. All of the violations were corrected by the operator within two months of the date issued.

Environmental Analysis – 27-AA-0010

State Law requires compliance with the California Environmental Quality Act either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program, or, by determining that the proposal is categorically or statutorily exempt.

The LEA has made a finding that the proposed permit revision is consistent with and supported by existing CEQA analysis. In addition to a Mitigated Negative Declaration completed in 2004 (SCH# 2004081071) an Addendum to a Mitigated Negative Declaration (SCH# 1997031065) was adopted by the MRWMD Board of Directors and a Notice of Determination was sent to the State Clearinghouse on May 23, 2011. The addendum supports a revision of the Solid Waste Facility Permit to revise the maximum tonnage of 3,500 tons per day, to 21,000 tons per week (3,500 tons per day x 6 days per week) with a daily maximum tonnage of 4,500 tons. This will allow handling of waste from special events or one-time projects generating additional waste

materials. The proposed permit limits the number of occurrences that the facility may exceed 3,500 tons per day to 8 days per calendar year.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental document prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of the Lead Agency for its consideration of the Permit.

Local Issues:

According to the 2010 census, the population of Census Tract 143.02 indicates that the surrounding population is approximately 47% white, 6.5% black or African American, 0.5% American Indian and Alaska Native, 1.9% Native Hawaiian and Other Pacific Islander, 20.9% Asian, 8.7% two or more races and 14.5% some other race. Of the total population in the Census Tract, 24.7% identify themselves as Hispanic or Latino. The median household income is \$45,145 and 9.5% of the families are below the poverty line. Staff has not identified any current environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

The LEA did not receive any comments from the posted public notice nor did any representative citizens attend the public information meeting on July 19, 2011. No oral or written public comments have been received by CalRecycle.

Department Staff Actions:

Staff responded to questions from the LEA regarding the permit process.